THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.15780 OF 2005

ORDER:

This Writ Petition is filed questioning the order passed by the 2nd respondent, dated 29.6.2005, under Section 34 of the A.P. Co-operative Societies Act, 1964 – (for short "the Act"), thereby, superseding the Managing Committee of Harijan Fishermen Co-operative Society, Ganapavaram, with immediate effect, and appointing a Special Officer to manage the affairs of the Society.

I have heard the learned counsel for both parties.

The learned counsel appearing for the respondent at the outset raised an objection as to the maintainability of the Writ Petition on the ground that the petitioner failed to exhaust the alternative remedy of appeal available under the Act.

Having regard to the facts and circumstances of the case and keeping in view the fact that Section 76 of the Act provides for an appeal against the order of supersession passed under Section 34 of the Act, though the learned counsel for the petitioner raised various contentions on merits, I am not inclined to express any opinion on the said aspects. In the light of the efficacious alternative remedy of appeal available under the Statute, without exhausting the said alternative remedy, the petitioner cannot maintain this Writ Petition.

Accordingly, without expressing any opinion on the merits, the Writ Petition is disposed of granting leave and liberty to the petitioner to prefer an appeal under Section 76 of the Act, against the impugned order dated 29.6.2005, within a period of four weeks from the date of receipt of this order. If any such appeal is preferred within the time specified above, the same shall be considered and appropriate orders be passed in accordance with law as expeditiously as possible, preferably within a period of eight weeks thereafter. Till such time, the impugned order dated 29.5.2005, shall not be given effect to. No costs.

17th October, 2005.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.15780 OF 2005

17.10.2005.

Between:

The Harijan Fishermen Co-operative Society,

Ganapavaram, represented by its President –

Sandipamu Venkatesh. ..Petitioner.

And

The Commissioner of Fisheries,

Department of fisheries, Matshya

Bhavan, Shanthinagar, Vijayanagar colony,

Hyderabad and three others. .. Respondents.